

Exhibit 1

STATE OF WISCONSIN

CIRCUIT COURT

WASHINGTON

Mark G. Steffen et al vs. Texas Roadhouse Management Corp. et al

Electronic Filing
Notice

Case No. 2022CV000246

Class Code: Other-Personal Injury

FILED

05-16-2022

Clerk of Circuit Court
Washington County, WI

2022CV000246

Honorable Michael S.
Kenitz

Branch 3

TEXAS ROADHOUSE MANAGEMENT CORP.
8040 EXCELSIOR DRIVE, STE 130
C/O CORPORATION SERVICE COMPANY
MADISON WI 53717

Case number 2022CV000246 was electronically filed with/converted by the Washington County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

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Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-335-4341.


PROCESS SERVER
5/17/22 1220P
DATE / TIME

Washington County Circuit Court
Date: May 16, 2022

STATE OF WISCONSIN CIRCUIT COURT WASHINGTON COUNTY

MARK G. STEFFEN
1640 Terry Drive
West Bend, WI 53090

LISA STEFFEN
1640 Terry Drive
West Bend, WI 53090

Plaintiffs,
and

**AARP MEDICARE ADVANTAGE/
UHC CLAIMS ADMIN. OPTUM**
c/o CT Corporation System, Registered Agent
301 S. Bedford Street, Ste 1
Madison, WI 53703

**XAVIER BECERRA, SECRETARY,
UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES**
c/o US Atty. Richard Frohling
517 E. Wisconsin Avenue; Room 530
Milwaukee, WI 53202,

GEICO CASUALTY COMPANY
c/o Emile Banks & Associates, LLC, Registered Agent
1200 N. Mayfair Road, Ste 290
Milwaukee, WI 53226

Involuntary Plaintiffs,
vs.

TEXAS ROADHOUSE MANAGEMENT CORP.
c/o CORPORATION SERVICE COMPANY, Registered Agent
8040 Excelsior Drive, Ste 400
Madison, WI 53717

HOLCOMB GORBY LLC
2660 Townsgate Road 130
Westlake Village, CA 91361

ABC INSURANCE COMPANY
(An Unknown Insurance Company)

DEF INSURANCE COMPANY
(An Unknown Insurance Company)

Defendants.

SUMMONS

Class: Personal Injury-Other
Case Code: 30107

FILED
05-16-2022
Clerk of Circuit Court
Washington County, WI
2022CV000246
Honorable Michael S.
Kenitz
Branch 3

SUMMONS

THE STATE OF WISCONSIN to each
person named above as a defendant:

YOU ARE HEREBY NOTIFIED that the plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is 484 Rolfs Avenue, West Bend, Wisconsin 53090 and to LEVY & LEVY S. C., plaintiff's attorney, whose address is N61 W6058 Columbia Road, Cedarburg, Wisconsin 53012. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 16th day of May, 2022.

LEVY & LEVY, S. C.
Attorneys for Plaintiff

By 

R. Douglas Stansbury
a member of the law firm
State Bar Number: 1023284

POST OFFICE ADDRESS:
N61 W6058 Columbia Road
P. O. Box 127
Cedarburg, WI 53012
(262) 377-5555

STATE OF WISCONSIN CIRCUIT COURT WASHINGTON COUNTY

MARK G. STEFFEN
1640 Terry Drive
West Bend, WI 53090

LISA STEFFEN
1640 Terry Drive
West Bend, WI 53090

COMPLAINT

Plaintiffs,
and

Class: Personal Injury-Other
Case Code: 30107

**AARP MEDICARE ADVANTAGE/
UHC CLAIMS ADMIN. OPTUM**
c/o CT Corporation System, Registered Agent
301 S. Bedford Street, Ste 1
Madison, WI 53703

**XAVIER BECERRA, SECRETARY,
UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES**
c/o US Atty. Richard Frohling
517 E. Wisconsin Avenue; Room 530
Milwaukee, WI 53202,

GEICO CASUALTY COMPANY
c/o Emile Banks & Associates, LLC, Registered Agent
1200 N. Mayfair Road, Ste 290
Milwaukee, WI 53226

Involuntary Plaintiffs,
vs.

TEXAS ROADHOUSE MANAGEMENT CORP.
c/o CORPORATION SERVICE COMPANY, Registered Agent
8040 Excelsior Drive, Ste 400
Madison, WI 53717

HOLCOMB GORBY LLC
2660 Townsgate Road 130
Westlake Village, CA 91361

ABC INSURANCE COMPANY
(An Unknown Insurance Company)

DEF INSURANCE COMPANY
(An Unknown Insurance Company)

Defendants.

COMPLAINT

Now come the Plaintiffs, Mark G. Steffen and Lisa Steffen, by their attorneys, Levy & Levy, S.C., by R. Douglas Stansbury, and as and for causes of action against the Defendants they show as follows:

1. That Plaintiff, Mark G. Steffen, at all times material hereto, is an adult resident of the State of Wisconsin with a current residence of 1604 Terry Drive, West Bend, Wisconsin, 53090.

2. That Plaintiff, Lisa Steffen, at all times material hereto, is an adult resident of the State of Wisconsin with a current residence of 1640 Terry Drive, West Bend, Wisconsin, 53090.

3. That upon information and belief, Defendant, Texas Roadhouse Management Corp., is a duly registered foreign corporation registered to do business in the State of Wisconsin, with a principal corporate address of 6040 Dutchmans Lane, Louisville, KY 40205; and whose registered agent for purposes of service is Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717. Upon information and belief, at all times material hereto, Texas Roadhouse Management Corp. operated the business, Texas Roadhouse restaurant, on the property located at 800 W. Paradise Drive, West Bend, Wisconsin.

4. That upon information and belief, Defendant, Holcomb Gorby LLC, is a California Domestic Limited Liability Company, conducting business in the State of Wisconsin, with a corporate address of 2660 Townsgate Rd, Ste 130, Westlake Village, CA 91361; and whose registered agent for purposes of service is Stuart Schneider, 2660 Townsgate Rd, Ste 130, Westlake Village, CA 91361. Upon information and belief, at all times material hereto, Holcomb Gorby LLC was the owner of the real property located at 800 W. Paradise Drive, West Bend, Wisconsin.

5. That upon information and belief, Involuntary Plaintiff, AARP Medicare Advantage / UHC Claims Admin. Optum, is an insurance company licensed to do business in the State of Wisconsin, and whose registered agent for purposes of service is CT Corporation System, 301 S. Bedford Street, Ste 1, Madison, Wisconsin 53703 and that AARP Medicare Advantage / UHC Claims Admin. Optum may have issued a health insurance policy to Plaintiff, Mark G. Steffen. AARP Medicare Advantage / UHC Claims Admin. Optum has or may have made payments on behalf of Mark G. Steffen. By virtue of these payments, Defendant, AARP Medicare Advantage / UHC Claims Admin. Optum may have a subrogated interest and is made a party herein pursuant to section 803.03 of the Wisconsin Statutes.

6. That upon information and belief, Involuntary Plaintiff, Xavier Becerra, Secretary, United States Department of Health and Human Services ("Medicare"), has oversight and responsibility for the Health Care Financing Administration, the agency responsible for administering the Federal Medicare Program; that process for said Involuntary Plaintiff shall be served upon Richard Frohling, United States Attorney for the Eastern District of Wisconsin, with an address of 517 E. Wisconsin Avenue, Room 530, Milwaukee, WI 53202. Medicare, has or may have made payments on the plaintiff's behalf and may have a subrogated interest and is made a party hereto pursuant to Wis. Stat. § 803.03.

7. That upon information and belief, the Involuntary Plaintiff, Geico Casualty Insurance Company (herein after "Geico") is a foreign corporation registered to conduct business as an insurance company in the State of Wisconsin with an address of One Geico Center, Macon, GA 53296 and with Emile Banks & Associates LLC as its registered agent with an address of 1200 N Mayfair Road, Ste 290, Milwaukee, Wisconsin 53226; on

information and belief Geico is a defendant by reason of Wis. Stat., § 803.03; as it may have an interest of the plaintiff's claim by reason of being the automobile insurer for the plaintiff, Mark G. Steffen.

8. That upon information and belief, ABC Insurance Company is an unknown insurance company which is being named pursuant to Wis. Stats. § 807.12 because, upon information and belief, said insurance company may insure the deed owner and the business entity that operates the restaurant, Holcomb Gorby LLC, against the liability of the type alleged herein and that said fictitious insurance company may be a proper party defendant in this action as it has a duty to defend and indemnify the defendant(s), Holcomb Gorby LLC, against the allegations made in this matter and is directly liable to the Plaintiff. Said fictitious defendant will be named upon discovery of its true identity.

9. That upon information and belief, DEF Insurance Company is an unknown insurance company which is being named pursuant to Wis. Stats. § 807.12 because, upon information and belief, said insurance company may insure the deed owner and the business entity that operates the restaurant, Texas Roadhouse Management Corp., against the liability of the type alleged herein and that said fictitious insurance company may be a proper party defendant in this action as it has a duty to defend and indemnify the defendant(s), Texas Roadhouse Management Corp., against the allegations made in this matter and is directly liable to the Plaintiff. Said fictitious defendant will be named upon discovery of its true identity

10. That on or about December 14, 2019, the Plaintiff, Mark. G. Steffen, was seriously injured at the Texas Roadhouse Restaurant located at 800 W. Paradise Drive, West Bend, Wisconsin, when the automobile he was operating slid on ice in the parking lot, through a retaining fence and over a retaining wall to approximately forty (40) feet below,

all due to the negligence of and violation of Wisconsin's safe place statute by the defendants, Holcomb Gorby, LLC and/or Texas Roadhouse Management Corp.

**FIRST CAUSE OF ACTION - NEGLIGENCE AS TO
HOLCOMB GORBY LLC AND/OR TEXAS ROADHOUSE MANAGEMENT CORP.**

11. Repeat and reallege all allegations contained in all previous paragraphs of the complaint as though set forth fully herein.

12. That the defendants, Holcomb Gorby LLC and/or Texas Roadhouse Management Corp. were negligent. Said negligence includes, but is not limited to, failing to properly construct, repair, and maintain the property located at 800 W. Paradise Drive, West Bend, Wisconsin.

13. That Holcomb Gorby LLC and/or Texas Roadhouse Management Corp.'s negligence was causal of the plaintiff, Mark G. Steffen, sliding and falling over the wall at the property located at 800 W. Paradise Drive, West Bend, Wisconsin on December 14, 2019.

14. That as a direct and proximate result of the negligence of Holcomb Gorby LLC, and/or Texas Roadhouse, Management Corp. the plaintiff, Mark G. Steffen, sustained permanent personal injuries and damages, including past and future pain, suffering, disability, humiliation, embarrassment, worry and mental distress, all of which is permanent in nature, and loss of enjoyment of life; past wage loss and impairment of future earning capacity; past and future medical expenses, and other compensable damages.

**SECOND CAUSE OF ACTION - SAFE PLACE VIOLATION AS TO
HOLCOMB GORBY LLC, TEXAS ROADHOUSE MANAGEMENT CORP. AND ABC
INSURANCE COMPANY**

15. Repeat and reallege all allegations contained in all previous paragraphs of the complaint as though set forth fully herein.

16. That at all times material hereto, the property owned by the defendant, Holcomb Gorby LLC, and the restaurant operated by Texas Roadhouse Management Corp. located at 800 W. Paradise Drive, West Bend, Wisconsin, was a place of employment and/or public building and was subject to Chapter 101 of the Wisconsin Statutes.

17. That, at all times material hereto, the plaintiff, Mark G. Steffen, was a frequenter on that property under Wis. Stat. § 101.01.

18. That under Wis. Stat. § 101.11, the defendant(s), Holcomb Gorby LLC, and/or Texas Roadhouse Management Corp., through its servants, agents, and employees, had a duty to render its property safe for frequenters thereof, such as the plaintiff. As such they had duties, including but not limited to, to construct, repair, and to maintain its property so as to render same safe.

19. That the defendant(s), Holcomb Gorby LLC, and/or Texas Roadhouse Management Corp. through its servants, agents, and employees, breached its duty under Wis. Stat. § 101.11, which breach was causal of the plaintiff, Mark G. Steffen, sliding and falling over the wall at the property located at 800 W. Paradise Drive, West Bend, Wisconsin on December 14, 2019.

20. That as a direct and proximate result of the breach of Holcomb Gorby LLC, and/or Texas Roadhouse Management Corp.'s duties under Wis. Stat. § 101.11, the plaintiff, Mark G. Steffen, sustained permanent personal injuries and damages, including past and future pain, suffering, disability, humiliation, embarrassment, worry and mental distress, all of which is permanent in nature, and loss of enjoyment of life; past wage loss and impairment of future earning capacity; past and future medical expenses, and other compensable damages.

THIRD CAUSE OF ACTION - LOSS OF CONSORTIUM

21. Repeat and reallege all allegations contained in paragraphs 1 through 18 of the complaint as though set forth fully herein.

22. That the defendants' negligence and violations under Wis. Stat. § 101.11 caused the plaintiff, Lisa Steffen, to suffer the loss of consortium and society and companionship of her husband, the plaintiff, Mark Steffen.

WHEREFORE, the plaintiff demands judgment against the defendants, Holcomb Gorby LLC, Texas Roadhouse Management Corp., ABC Insurance Company and DEF Insurance Company, for the amount of damages found to be appropriate, together with the costs and disbursements of this action.

In the event of settlement or verdict in favor of the plaintiffs, plaintiffs' demand judgment for an order declaring plaintiffs' rights to such settlement/verdict proceeds paramount to those of any subrogated party.


Finally, in the event of any subrogated party's failure to respond to this Complaint in a timely manner, the plaintiffs request this Court to grant an order dismissing the subrogated party from this action and barring any claim for subrogation and/or reimbursement, and barring the subrogated party from participating in any judgment or settlement in this action.

Plaintiffs hereby demand a trial by a Jury of 12 persons.

Dated this 16th day of May, 2022.

LEVY & LEVY, S. C.
Attorneys for Plaintiffs

By


R. Douglas Stansbury
a member of the law firm
State Bar Number: 1023284

POST OFFICE ADDRESS:
N61 W6058 Columbia Road
P. O. Box 127
Cedarburg, WI 53012
(262) 377-5555